

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JUSTIN SCHEER,)	
)	
Plaintiff,)	Civil Action No. 21-1514
)	
v.)	Judge Cathy Bissoon
)	Magistrate Judge Lisa Pupo Lenihan
ALLEGHENY COUNTY, <i>et. al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

This case has been referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On February 2, 2023, the Magistrate Judge issued a Report (Doc. 49) recommending that Corrections Defendants' Motion to Dismiss (Doc. 34) be granted in part and denied in part, that Defendant Allegheny Health Network's Motion to Dismiss (Doc. 39) be granted, with leave to amend to add individual staff members of Allegheny Health Network only, and that Plaintiff's Conspiracy Claim against Defendants Drever and Global Tel Link be dismissed under 28 U.S.C. § 1915A(b)(1). Service of the Report and Recommendation ("R&R") was made on the parties. Defendants Williams, Del Prete, Froelich and Claar have filed Objections (Doc. 50) and Plaintiff has filed a Response. (Doc. 51.)

After a *de novo* review of the pleadings and documents in the case, together with the R&R, the Objections and the Response thereto, the following Order is entered:

Defendants' Objections (**Doc. 50**) are **OVERRULED**, Corrections Defendants' Motion to Dismiss (**Doc. 34**) is **GRANTED IN PART AND DENIED IN PART**, Defendant Allegheny Health Network's Motion to Dismiss (**Doc. 39**) is **GRANTED**, Plaintiff's Conspiracy Claim

against Defendants Drever, Global Tel Link and others unknown is **DISMISSED** under 28 U.S.C. § 1915A(b)(1) and the R&R (**Doc. 49**) is adopted as the Opinion of the District Court. Accordingly, Defendants Allegheny County, Orlando Harper, Allegheny Health Network, Captain Wiseman, Correctional Officer Gatz, Sergeant Lee, Correctional Officer Drever, Global Tel Link and others unknown are **DISMISSED** from this lawsuit. Plaintiff may file a second amended complaint, no later than **April 3, 2023**, to add individual staff members of Allegheny Health Network only.

IT IS SO ORDERED.

March 27, 2023

s/Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via ECF email notification):
All Counsel of Record
Justin Scheer